

SUBSTANCE WHICH IS SUBJECT TO A STANDARD ESTABLISHED UNDER SECTION [[3]] 871 READILY AVAILABLE TO ELDERLY OR HANDICAPPED PERSONS UNABLE TO USE THE SUBSTANCE WHEN PACKAGED IN COMPLIANCE WITH THE STANDARD, THE MANUFACTURER OR PACKER MAY PACKAGE ANY HOUSEHOLD SUBSTANCE, SUBJECT TO SUCH A STANDARD, IN PACKAGING OF A SINGLE SIZE OF WHICH DOES NOT COMPLY WITH SUCH STANDARD IF;

(1) THE MANUFACTURER (OR PACKER) ALSO SUPPLIES THE SUBSTANCE IN PACKAGES WHICH COMPLY WITH THE STANDARD; AND

(2) THE PACKAGES OF THE SUBSTANCE WHICH DO NOT MEET THE STANDARD BEAR CONSPICUOUS LABELING STATING: "THIS PACKAGE FOR HOUSEHOLDS WITHOUT YOUNG CHILDREN"; EXCEPT THAT THE SECRETARY MAY BY REGULATION PRESCRIBE A SUBSTITUTE STATEMENT TO THE SAME EFFECT FOR PACKAGING TOO SMALL TO ACCOMMODATE SUCH LABELING.

(B) IN THE CASE OF A HOUSEHOLD SUBSTANCE WHICH IS SUBJECT TO A STANDARD AND WHICH IS DISPENSED PURSUANT TO AN ORDER OF A PHYSICIAN, DENTIST, OR OTHER LICENSED MEDICAL PRACTITIONER AUTHORIZED TO PRESCRIBE, THE SUBSTANCE MAY BE DISPENSED IN NONCOMPLYING PACKAGES ONLY WHEN DIRECTED IN THE ORDER OR WHEN REQUESTED BY THE PURCHASER.

(C) IN THE CASE OF A HOUSEHOLD SUBSTANCE SUBJECT TO A STANDARD WHICH IS PACKAGED UNDER SUBSECTION (A) IN A NONCOMPLYING PACKAGE, IF THE SECRETARY DETERMINES THAT THE SUBSTANCE IS NOT ALSO BEING SUPPLIED BY A MANUFACTURER (OR PACKER) IN POPULAR SIZE PACKAGES WHICH COMPLY WITH THE STANDARD, HE MAY, AFTER GIVING THE MANUFACTURER (OR PACKER) AN OPPORTUNITY TO COMPLY WITH THE PURPOSES OF THIS ACT, BY ORDER REQUIRE THE SUBSTANCE TO BE PACKAGED BY SUCH MANUFACTURER (OR PACKER) EXCLUSIVELY IN SPECIAL PACKAGING COMPLYING WITH THE STANDARD IF HE FINDS, AFTER OPPORTUNITY FOR HEARING, THAT SUCH EXCLUSIVE USE OF SPECIAL PACKAGING IS NECESSARY TO ACCOMPLISH THE PURPOSES OF THIS ACT.

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(A) PROCEEDINGS TO ISSUE, AMEND, OR REPEAL A REGULATION PRESCRIBING A STANDARD UNDER SECTION [[3]] 871 FOR THE EFFICIENT ENFORCEMENT OF THIS SUBHEADING IS HEREBY VESTED IN THE SECRETARY. THE SECRETARY IS HEREBY AUTHORIZED TO MAKE THE REGULATIONS PROMULGATED UNDER THIS SUBHEADING TO CONFORM INSOFAR AS PRACTICABLE WITH THOSE PROMULGATED UNDER THE FEDERAL ACT.

(B) HEARINGS AUTHORIZED OR REQUIRED BY THIS SUBHEADING SHALL BE CONDUCTED BY THE SECRETARY OR SUCH OFFICER, AGENT, OR EMPLOYEE AS THE SECRETARY MAY DESIGNATE FOR THE PURPOSE.

(C) A FEDERAL REGULATION AUTOMATICALLY ADOPTED